

Planning/Zoning, Land Design & Development Meeting
Tuesday, September 29, 2009
2:05 P.M.
Third Floor, City Hall

Present: Chair: CM Owen
Vice Chair: CM Stuckel
Members: CM Ward-Pugh, CM Hamilton, CM Flood, and
CM Jon Ackerson (Left at 3:25)

Absent: CM Heiner

Pending Legislation

O-162-09-09 AN ORDINANCE CLOSING A PRIVATE ROAD, JEREMIE COURT, LOCATED ON THE EAST SIDE OF NATIONAL TURNPIKE, 450 FEET SOUTH OF THE OUTER LOOP, FROM ITS INTERSECTION WITH NATIONAL TURNPIKE, RUNNING EAST 199.97 FEET, CONTAINING 11.965 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 12589).

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission Consent Agenda on September 3, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Welch's District. A power point presentation was given. The following were items of discussion and concern:

- This is a private road
- Request is in order to obtain approval for a new storage building
- Existing access is to remain paved and stripped for a fire lane
- 100% property owner agrees
- Respective Agencies have no problems
- Will no longer be identified as a right-of-way

VOTING RESULTS: 6; Against: 0; Abstain: 0; Absent: 1

For: Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Tina Ward-Pugh, Madonna Flood, Jon Ackerson
Against: (None)
Abstain: (None)
Absent: Hal Heiner

O-163-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R5-A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 8113 AND 8117 CEDAR CREEK ROAD, CONTAINING A TOTAL OF 10.32 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12253).

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to approve made by Tina Ward-Pugh and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on September 3, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- 53 unit condominium
- 4.14 units per acre
- Screening
- Structures will be 4 plex, triplex, and duplex
- 2 stories maximum height
- 1 or 2 car garages
- Scenic Corridor on left side of site
- Buffering
- Tree canopy
- Open space
- Sidewalks
- Connectivity
- Signs posted to make people aware that there will be street connections in the future
- Traffic
- Streets in the development will be public streets and will be maintained by Louisville Metro

This item was sent to **Old Business**.

VOTING RESULTS: 6; Against: 0; Abstain: 0; Absent: 1

For: Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Tina Ward-Pugh, Madonna Flood, Jon Ackerson
Against: (None)
Abstain: (None)
Absent: Hal Heiner

[O-164-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9413, 9417, 9421 AND 9605 OLD BARDSTOWN ROAD AND TAX BLOCK 61, LOT 117, CONTAINING A TOTAL OF 8.6 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 11947\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve made by Tina Ward-Pugh and seconded by Jon Ackerson.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on September 3, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Benson's District. This case was heard in conjunction with the following case at the Planning Commission Public Hearing. A power point presentation was given. The following were items of discussion and concern:

- 11 structures
- Maximum 30 feet in height
- Parking
- Existing structures are to be removed
- Buffering
- Located between Bardstown Road and Old Bardstown Road, north of Thixton Lane
- In the Fern Creek Small Area Plan
- Access

- Medium intensity commercial development
- In compliance with the Retail Strategy Study
- Design of the project
- In the future could have a signalized intersection
- Rain garden area
- Sidewalks

CM Benson, District Representative, spoke stating his concerns regarding traffic, making Old Bardstown Road a three lane corridor, sidewalks, setbacks and a turning lane.

CM Benson as District Representative has a vote on this item.

Motion to amend by amending the following binding element made by Stuart Benson and seconded by Glen Stuckel.

- 22. THE APPLICANT SHALL WORK WITH PUBLIC WORKS AND THE OWNERS OF THE PROPERTIES THAT HAVE FRONTAGE ON OLD BARDSTOWN ROAD TO CONSTRUCT A PEDESTRIAN CONNECTION/SIDEWALK A MINIMUM OF 5-6 FEET IN WIDTH TO CONNECT RENAISSANCE MARKETPLACE NORTH AND SOUTH AND THAT RUNS ALONG THE SUBJECT PROPERTY'S FRONTAGE ON OLD BARDSTOWN ROAD. IF THERE ARE NO OBJECTIONS BY THE AFFECTED PROPERTY OWNERS OR PUBLIC WORKS, THIS PEDESTRIAN CONNECTION/SIDEWALK SHOULD BE COMPLETED AT THE TIME THE CERTIFICATE OF OCCUPANCY IS ISSUED FOR BOTH DEVELOPMENTS.

Further discussion included the following:

- Dedication of right-of-way
- A Transportation Study regarding corridors
- Sidewalk transitions for future developments
- Connections for right-of-way corridors
- Sidewalk configuration
- Applicant is to install a Bike Lane
- The Committee as a legislative body has the authority to add binding elements or change a development plan.
- Procedures regarding changes by the Committee

Per a request made by Jon Ackerson, Theresa Senninger, Assistant County Attorney, will send the Committee Members statutes regarding the Committee's powers.

The Amendment passed.

This item as Amended was sent to **Old Business**.

VOTING RESULTS: 7; Against: 0; Abstain: 0; Absent: 1

For: Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Stuart Benson, Tina Ward-Pugh, Madonna Flood, Jon Ackerson

Against: (None)

Abstain: (None)

Absent: Hal Heiner

[O-165-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9205 OLD BARDSTOWN ROAD, CONTAINING A TOTAL OF 11.05 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 11946\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to approve made by Tina Ward Pugh and seconded by Glen Stuckel.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on September 3, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Benson's District. This case was heard in conjunction with the above case at the Planning Commission Public Hearing. A power point presentation was given. The following were items of discussion and concern:

- Mixed use
- Parking
- Setbacks
- Located between Bardstown Road and Old Bardstown Road, north of Thixton Lane
- In the Fern Creek Small Area Plan
- Access
- Design
- Louisville Retail Market Study

Stuart Benson as District Representative has a vote on this item.

Motion to amend by amending the following binding element made by Stuart Benson and seconded by Tina Ward-Pugh.

- 22. THE APPLICANT SHALL WORK WITH PUBLIC WORKS AND THE OWNERS OF THE PROPERTIES THAT HAVE FRONTAGE ON OLD BARDSTOWN ROAD TO CONSTRUCT A PEDESTRIAN CONNECTION/SIDEWALK A MINIMUM OF 5-6 FEET IN WIDTH TO CONNECT RENAISSANCE MARKETPLACE NORTH AND SOUTH AND THAT RUNS ALONG THE SUBJECT PROPERTY'S FRONTAGE ON OLD BARDSTOWN ROAD. IF THERE ARE NO OBJECTIONS BY THE AFFECTED PROPERTY OWNERS OR PUBLIC WORKS, THIS PEDESTRIAN CONNECTION/SIDEWALK SHOULD BE COMPLETED AT THE TIME THE CERTIFICATE OF OCCUPANCY IS ISSUED FOR BOTH DEVELOPMENTS.

The Amendment passed.

This item as Amended was sent to **Old Business**.

VOTING RESULTS: 6; Against: 0; Abstain: 0; Absent: 2

For: Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Stuart Benson, Tina Ward-Pugh, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Hal Heiner, Jon Ackerson

[R-192-09-09 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION ON A PROPOSED AMENDMENT TO SECTION 2.4.3.D.2 OF THE LAND DEVELOPMENT CODE REGARDING PERMITTED DENSITY OF RESIDENTIAL DEVELOPMENT IN THE C-1, COMMERCIAL ZONING DISTRICT.](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden
Rick Blackwell

Discussion: This item was **Held in Committee**.

[R-101-06-09 A RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE COUNCIL ON AN AMENDMENT TO SECTION 4.4.1 OF THE LAND DEVELOPMENT CODE CONCERNING PORTABLE STORAGE DEVICES.](#)

Status: In Committee - Tabled
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden

Discussion: This item remained **Tabled**.

Motion to adjourn made by Tina Ward-Pugh. Without objection, the meeting adjourned at 3:30 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on October 8, 2009.**

KQG